

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JAMES M. PLASSE

Plaintiff,

vs.

Civil Action No. 04-CV-30056-MAP

**TYCO ELECTRONICS
CORPORATION,**

Defendant.

SECOND AFFIDAVIT OF MARY ANN AYALA

I, Mary Ann Ayala, being duly sworn, state as follows:

1. I serve as Human Resources Manager in the Human Resources department of Tyco Electronics Corporation's Printed Circuit Group, Stafford, Connecticut facility. I have been employed with Tyco Electronics Corporation for eight years.

2. On January 20, 2005, I made a copy of the personnel file of James M. Plasse, who was employed in the Tyco Electronics' Stafford facility as a Controller from September 11, 2000 to February 25, 2003.

3. On February 28, 2005, I reviewed the personnel file of James M. Plasse and determined that there were pages of the file that I inadvertently did not copy on January 20, 2005. My failure to copy these pages was an oversight.

4. Due to my earlier oversight, I made a new copy of the entire personnel file of James M. Plasse. This new copy is attached to this Second Affidavit.

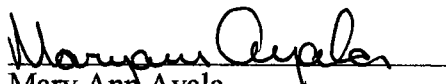
5. In James M. Plasse's personnel file there are three business cards from Tubed Products. These three business cards were clipped to his application materials. I photocopied them on a separate page.

6. As described in greater detail in my First Affidavit, personnel files are made and maintained in the regular course of business at the Tyco Electronics Corporation's Printed Circuit Group. It is the regular business practice of Tyco Electronics to store all employee personnel documents in a manila file. Once an employee leaves his employment, his file is stored in archives at the Safford Division one year after the employee leaves his employment.

7. The regular business practice at the Tyco Electronics' Printed Circuit Group is to have all applicants for employment complete a standard employment application form. Applicants usually complete this form at their interview. Applicants complete this form in their own writing.

8. This affidavit concerns Mr. Plasse's personnel file, and is not intended to be a complete summary of my knowledge about Mr. Plasse's employment or the termination of that employment.

Signed under the pains and penalties of perjury.


Mary Ann Ayala

July 26, 2000

Tyco Electronics
11 Tyco Drive
Stafford Springs, CT 06076

Dear Leslie:

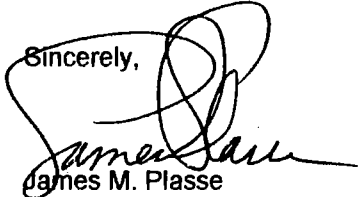
I am enclosing my resume for the position of Controller (Ref Code TPCG Controller/Staff/Man) listed on Monster.com. I have held key financial manager positions for plastic packaging, specialty paper, and sporting goods manufacturing companies. In addition, I have extensive experience overseeing the budgeting process, month end closings, variance analysis, and financial reporting systems in a manufacturing environment.

Tyco, the world's largest supplier of electronic and electrical connectors, with combined sales of over \$22 billion in fiscal 1999 is impressive.

I believe my qualifications closely parallel the requirements for the position and would appreciate meeting with you in person to discuss the position.

Please contact me at 413-562-8708 and I appreciate your confidentiality.

Sincerely,



James M. Plasse

Friday @ 10:00am - 8/4/00
Tuesday @ 6pm 08/08/00

CONFIDENTIAL RESUME

James M. Plasse

19 Hillary Lane, Westfield, MA 01085
Home 413-562-8708, Work 413-529-1333

Experience:

October 1996

Tubed Products, Inc., Easthampton, MA 01027

To Present

Packaging Division of McCormick & Company Spices
Financial Analysis Manager

- Responsible for guiding and supporting senior management in their understanding of the financial related activities in a manner designed to meet the planned profitability of a \$100 million company.
- Provide business advice to members of the operations and sales groups to assist them in achieving profit and volume objectives.
- Contribute to company strategy and initiatives as a key member of the financial staff achieving an \$11 million turnaround in operating profits and a \$5 million reduction in excess and obsolete inventories.
- Responsible for the financial analysis of capital asset proposals to assure conformance with corporate policy and financial targets with the sound investment of a \$7 million capital budget.
- Support the pricing committee by providing the necessary standard and actual costs needed to make sound pricing decisions enabling the company to exceed planned gross margins by 20 percent.
- Coordinated a cross functional team to implement procedures and guidelines to improve the collection and resolution of over \$400 thousand in outstanding receivables.
- Prepare and distribute weekly financial performance results and charts for the weekly staff meeting.
- Work with the company's information systems department to develop financial information systems.
- Responsible for the development and update of the finance departments policies and procedures.
- Chairperson and Executive Committee member of the McCormick & Company Multiple Management Board. (Junior Board of Directors)

June 1992

Spalding Sports Worldwide, Chicopee, MA 01021

to October 1996

Senior Financial Analyst

- Responsible for the management of accounting staff to ensure an accurate month end close for a \$300 million U.S. Division.
- Interfaced available computer software with financial reporting requirements to streamline manual financial processes.
- Provided financial information for various sales and marketing managers, and vice presidents on key business trends, ratios, and variances.
- Participated in monthly staff meetings to review system improvements, contingency plans, expense reduction plans, and financial results.
- Directly responsible for product line budgets, forecasting, and financial statement analysis.
- Monitored operating expenses, costs, margin analysis, and product line profitability.
- Reconciled domestic and international inventory, manufacturing, and procurement variances.
- Audited billing transactions to assure accuracy and conformance with company policy.
- Reviewed disbursements for all inbound freight, duty, brokerage, bank charges, and custom fees applicable to inventory purchases.

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June 1988 **Ampad Corporation, Holyoke, MA 01040**
To June 1992 **Division of Mead Paper & Company**
 Senior Cost Accountant

- Responsible for all functions relating to cost accounting, budgets, and forecasting of a \$200 million company.
- Lead a cross-functional team in the development and implementation of an activity based cost system.
- Coordinated all the manufacturing budgets for six manufacturing plants with \$28 million in inventory.
- Supervised the daily accounting activities of three cost accountants, responsible for the monthly closing process, variance analysis, preparation of monthly financial statements and forecasts.
- Developed computer generated reports for tracking inventory waste, inefficiencies and material usage variances.
- Protected corporate assets through the development and implementation of sound financial policies and procedures.
- Participated in monthly staff meetings with senior management to review financial results, and corporate strategies for operational improvements.

May 1986 **Sealed Air Corporation, Holyoke, MA 01040**
To June 1988 ***Plant Controller/Accounting Manager***

- Responsible for all plant accounting activities for two divisions of Sealed Air Corporation.
- Supervised the daily work activities of payroll, accounts payable, and accounts receivable departments.
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- Prepared monthly profit and loss statements and variance analysis for a process cost environment.
- Assured optimum utilization of financial resources through sound forecasting and cash management.
- Audit billing transactions to assure accuracy and conformance with corporate policy and assist in setting relevant policy.
- Coordinated annual external and internal audits including the annual physical inventory process.

Relevant Experience

and Skills: Proficient in use of Excel, Microsoft Word and Powerpoint, Lotus 123, Lotus Wordpro, Lotus Freelance, Ross General Ledger, Mapics\XA, and other PC\Network based systems.

Education: M.B.A., Western New England College, Springfield, MA
 B.A., Accounting, Westfield State College, Westfield, MA
 A.S., Business Administration, Holyoke Community College, Holyoke, MA
 A.S., Criminal Law, Holyoke Community College, Holyoke, MA

References: Available upon request

July 26, 2000

Tyco Electronics
11 Tyco Drive
Stafford Springs, CT 06076

Dear Leslie:

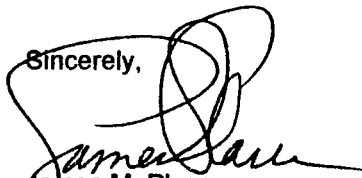
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To Present

**Packaging Division of McCormick & Company Spices
*Financial Analysis Manager***

- Responsible for guiding and supporting senior management in their understanding of the financial related activities in a manner designed to meet the planned profitability of a \$100 million company.
- Provide business advice to members of the operations and sales groups to assist them in achieving profit and volume objectives.
- Contribute to company strategy and initiatives as a key member of the financial staff achieving an \$11 million turnaround in operating profits and a \$5 million reduction in excess and obsolete inventories.
- Responsible for the financial analysis of capital asset proposals to assure conformance with corporate policy and financial targets with the sound investment of a \$7 million capital budget.
- Support the pricing committee by providing the necessary standard and actual costs needed to make sound pricing decisions enabling the company to exceed planned gross margins by 20 percent.
- Coordinated a cross functional team to implement procedures and guidelines to improve the collection and resolution of over \$400 thousand in outstanding receivables.
- Prepare and distribute weekly financial performance results and charts for the weekly staff meeting.
- Work with the company's information systems department to develop financial information systems.
- Responsible for the development and update of the finance departments policies and procedures.
- Chairperson and Executive Committee member of the McCormick & Company Multiple Management Board. (Junior Board of Directors)

June 1992

Spalding Sports Worldwide, Chicopee, MA 01021

to October 1996

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Education: M.B.A., Western New England College, Springfield, MA
B.A., Accounting, Westfield State College, Westfield, MA
A.S., Business Administration, Holyoke Community College, Holyoke, MA
A.S., Criminal Law, Holyoke Community College, Holyoke, MA

References: Available upon request



August 16, 2000

Mr. James M. Plasse
19 Hillary Lane
Westfield, MA 01085

Subject: Employment Offer

Dear James:

XKE
It is my pleasure to submit and confirm the following offer of employment as Controller for the Stafford/Manchester Divisions of Tyco Printed Circuit Group L.P., reporting to Michelle Hutchens. A summary of your compensation package is as follows.

Your annual salary will be \$75,000. You will receive performance evaluations at twelve-month intervals, beginning July 2000, and be considered for compensation adjustments at that time. This position also participates in an annual EBIT and Working Capital Bonus Plan, with a target potential of \$15,000, based on division performance. This bonus amount will be prorated for our current fiscal year, which ends September 2000.

You are also eligible to participate in Tyco's fringe benefit program, effective thirty days from your start date. A complete explanation of our fringe benefits package is included. You will start your employment with two weeks of vacation and be eligible for three weeks after five years of service.

All offers of employment are conditioned on satisfactory results from pre-placement drug and alcohol screening.

9-11-00
The proposed starting date for you to join TPCG is Tuesday, September 5, 2000. We look forward to your acceptance of this offer and request that you sign and return this letter by Friday, August 25, 2000.

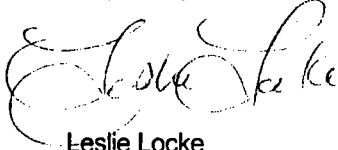
● Page 2

August 16, 2000

James, we are looking forward to having you join Tyco Printed Circuit Group L.P. We firmly believe that your presence on our Finance team will have a significant positive impact, and that you will play a major role in helping the company achieve its ongoing, aggressive growth objectives.

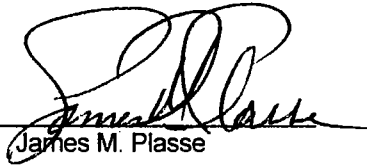
Please contact my office if you have any questions.

Very truly yours



Leslie Locke
Director, Human Resources
Tyco Printed Circuit Group L.P.

Accepted by:


James M. Plasse

8-18-00

Date

July 26, 2000

Tyco Electronics
11 Tyco Drive
Stafford Springs, CT 06076

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Fax: 413-529-1291

75 15 90
 based on
 Primary 11/1/90
 + EBIT

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References: Available upon request



Personal & Family Accident Insurance Beneficiary Form

INSTRUCTIONS: In order for your beneficiary information to be on file, you must return the completed form to your location's benefits coordinator.

Name of Employee: JAMES M. PLASSE

Date of Birth: 7-24-62 S.S. # 029-54-3984

Name of Company: TYCO ELECTRONICS

Name of Policyholder: Tyco International (US) Inc.

I request that the beneficiary under this plan be as indicated below. Unless otherwise provided in this request, if two or more beneficiaries are named, the proceeds shall be paid in equal shares to the named beneficiaries if surviving the insured, or to the survivor or survivors. If no beneficiary survives, payment shall be made in accordance with the terms of the policy. The right of the insured or owner, if other than insured, to change the beneficiary hereafter is reserved. I understand that in the event of the death of a covered spouse and/or covered dependent child, I will be considered the named beneficiary unless otherwise noted.

Full name of beneficiary, relationship to the insured, date of birth, and address of beneficiary (number, street, city, state, zip code). (Please refer to the examples on the reverse side.)

DONNA LEE PLASSE, WIFE, 10-22-63, 19 HILARY LAKE, WESTFIELD
MA 01085

If living, otherwise to: THE THEN SURVIVING CHILDREN, IF ANY, BORN OF
INSURED'S MARRIAGE WITH WIFE, IN EQUAL SHARES.

Signature of Insured: 

Date signed: 9-11-00

Personal Beneficiaries

Always use full legal name thus - "Anna Marie Smith, born 4-10-26, wife", not "Mrs. John Smith."

NOTE: In community property states, insureds are urged to obtain legal advice before using beneficiary designations limiting their spouses to less than half the proceeds.

1. If one individual is to be designated, use full legal name thus - "Anna Marie Smith, born 4-10-26, wife".
2. If two individuals are to be named, designate as follows: "Anna Marie Smith, born 4-10-26, wife, and Dorothy Ann Andrews, born 6-30-50, daughter, in equal shares, or the survivor."
3. If three or more individuals are to be named, designate as follows: "Anna Marie Smith, born 4-10-26, wife, Dorothy Ann Andrews, born 6-30-50, daughter, and William Henry Smith, born 9-12-52, son, or the survivors, in equal shares, or the survivor."
4. If one or more secondary beneficiaries are to be named, they may be designated individually as follows: "Anna Marie Smith, born 4-10-26, wife, if living, otherwise Joseph Paul Smith, born 12-7-98, father, and Elizabeth Dorothy Smith, born 3-18-01, mother, in equal shares, or the survivor": or
 - (a) If all children of the marriage are to be named secondary beneficiaries, designate them collectively rather than individually as follows: "Anna Marie Smith, born 4-10-26, wife, if living, otherwise the then surviving children, if any, born of insured's marriage with said wife, in equal shares." (This designation will include children born later without the necessity of changing the designation).
 - (b) If all children of the marriage are to be named secondary beneficiaries and a second alternate beneficiary is to be named, designate as follows: "Anna Marie Smith, born 4-10-26, wife, if living, otherwise the then surviving children, if any, born of insured's marriage with said wife, in equal shares, or if said wife is not living and there is no such child, James Paul Smith, born 12-7-98, father."
 - (c) If children not of the present marriage are to be included, designate as follows: "Anna Marie Smith, born 4-10-26, wife, if living, otherwise John Thomas, born 8-5-51, and Mary Jo Smith, born 2-21-53, children, and all children born of insured's marriage with said wife, or the survivors, in equal shares, or the survivor."
5. If designation is to be irrevocable, designate as follows: "Anna Marie Smith, born 4-10-26, wife, if living, otherwise to John Thomas Smith, born 8-5-51, son; without the right of revocation.

Estate

6. If an estate is named, specify whose estate, such as: "Estate of the Insured."

Trustee

7. The _____ Trust Company, Trustee under written trust agreement dated _____, or its successor or successors in trust, and payment of the proceeds of this certificate to said trustee or successor or successors shall fully and finally discharge the company from all liability.

Per Stirpes

8. "Anna Marie Smith, wife, if living, otherwise the then surviving children, if any, born of insured's marriage with said wife and the then surviving legally adopted child or children of the insured, if any, in equal shares, except in case of death of any child or children of said marriage or any legally adopted child or children of the insured, leaving lawful surviving child or children (including legally adopted children but not including grandchildren or other remote descendants), such child or children of the deceased child shall receive, in equal shares, the share which such deceased child would have received if he or she had survived."

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Basic Life Insurance Beneficiary Form

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Date of Birth: 7-24-62 S.S. # 029-54-3984

Name of Company: TYCO ELECTRONICS

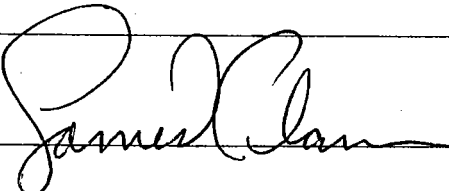
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Full name of beneficiary, relationship to the insured, date of birth, and address of beneficiary (number, street, city, state, zip code). (Please refer to the examples on the reverse side.)

DONNA LEE PLASSE, WIFE, 10-22-63, IF LIVING, OTHERWISE THE
THEN SURVIVING CHILDREN, IN EQUAL SHARES, MATTHEW PLASSE AND
DANIEL PLASSE, 19 HILLARY LANE, WESTFIELD, MA 01085

If living, otherwise to: SURVIVING CHILDREN, IN EQUAL SHARES

Signature of Insured: 

Date signed: 9-11-00

Tyco Electronics - Printed Circuit Group

Authorization Agreement for Direct Payroll Deposit

Employee Name: JAMES MASSE **Name of Financial Institution:** BANK NORTH MASSACHUSETTS
Social Security Number: 029-54-3984 **Address:** 370 MAIN ST. WORCESTER, MA 01608
Phone Number: 1-800-891-3436

	Transit ABA Number	Bank Account Number	Deposit Amount \$
1st Account	(circle) 2 1 1 3 7 0 5 4 5	8 0 4 6 3 7 7 2	not
2nd Account	(circle) checking		
3rd Account	(circle) checking		

Note: A voided check should be attached to this form.

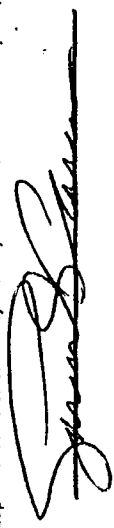
Direct Payroll Deposit Rules

- Once an employee has enrolled in the Direct Deposit Program, the amount specified will be withheld from their paycheck each pay period.
- Tyco Electronics - Printed Circuit Group will deposit the specified amount with the specified financial institution in accordance with the employees instructions. These funds will be processed for availability on your pay date. Tyco Electronics - Printed Circuit Group will act only as a transfer agent in this program. Any questions related to employee accounts must be addressed to the appropriate financial institution.
- Rules:**
1. Each employee participating in the program must establish for themselves an account at the financial institution they wish to have their funds direct deposited to. The account can be checking or savings.
 2. Each employee participating in the program must sign this "Authorization Agreement for Direct Payroll Deposit" form.
 3. All other authorized deductions will be withheld from employee checks prior to the Direct Deposit deduction. If an employee's payroll amount for any pay, after all other deductions, is insufficient to enable withholding of the entire amount, "Direct Payroll Deposit" will be made for the balance of funds available.
 4. Termination of an employee will terminate the "Authorization Agreement for Direct Payroll Deposit".

I, the undersigned employee of Tyco Electronics - Printed Circuit Group, hereby authorize my employer to deposit in the account and financial institution as indicated above. Such direct deposit will be made on each succeeding payday and posted by 10:00 AM on Friday, in accordance to Direct Deposit Rules.

I have read the Direct Payroll Deposit Rules and understand that anything less than strict adherence to the rules jeopardizes my continued participation in the program.

In the event that my employer deposits funds erroneously into my account, I authorize my employer to debit my account for the amount, not to exceed the original amount of the credit.

Employee Signature:  **Date:** 2-17-02

53-7054/2113 2109
45578606

JAMES M. PLASSE
DONNA L. PLASSE
19 HILLARY LANE
WESTFIELD, MA 01085

PAY TO THE ORDER OF

Banknorth
Massachusetts
330 Main Street
Worcester, MA 01608

DATE _____ \$ _____ DOLLARS ☐ Check or Money Order

MEMO

⑆211370545⑆ 45578606 2109

© DELUXE BANK NOTE OR EQUIVALENT SAFETY NUMBER

August 16, 2000

Mr. James M. Plasse
19 Hillary Lane
Westfield, MA 01085

Subject: Employment Offer

Dear James:

It is my pleasure to submit and confirm the following offer of employment as Controller for the Stafford/Manchester Divisions of Tyco Printed Circuit Group L.P., reporting to Michelle Hutchens. A summary of your compensation package is as follows.

Your annual salary will be \$75,000. You will receive performance evaluations at twelve-month intervals, beginning July 2000, and be considered for compensation adjustments at that time. This position also participates in an annual EBIT and Working Capital Bonus Plan, with a target potential of \$15,000, based on division performance. This bonus amount will be prorated for our current fiscal year, which ends September 2000.

You are also eligible to participate in Tyco's fringe benefit program, effective thirty days from your start date. A complete explanation of our fringe benefits package is included. You will start your employment with two weeks of vacation and be eligible for three weeks after five years of service.

All offers of employment are conditioned on satisfactory results from pre-placement drug and alcohol screening.

Monday Sept 11, 2000
The proposed starting date for you to join TPCG is Tuesday, September 5, 2000. We look forward to your acceptance of this offer and request that you sign and return this letter by Friday, August 25, 2000.